

BILL ANALYSIS

Senate Research Center
81R5237 SGA-D

H.B. 4728
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The territory of Parker County Utility District (district) does not include all of Parker County. In order to operate at optimum efficiency, the district needs to be county wide. This would allow the board of directors of the district to include regional planning and initiatives.

H.B. 4728 makes the district territory include all of Parker County, clarifies that the district may provide for retail water and wastewater, and authorizes a customer advisory council for each retail unit.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7208.001, Special District Local Laws Code, by amending Subdivisions (3), (7), and (8) and adding Subdivisions (5-a), (7-a), and (8-a), as follows:

- (3) Redefines "customer."
- (5-a) Defines "enterprise fund."
- (7) Redefines "member entity."
- (7-a) Defines "operating unit."
- (8) Redefines "participant entity."
- (8-a) Defines "retail unit."

SECTION 2. Amends Section 7208.003, Special District Local Laws Code, as follows:

Sec. 7208.003. PURPOSE. Provides that the Parker County Utility District (district) is created to purchase, own, hold, lease, or otherwise acquire water distribution facilities, wastewater collection facilities, or other facilities required to facilitate the district's operations; build, operate, and maintain facilities to treat, transport, and store water, wastewater, or other products necessary for district operations; protect, preserve, and restore the purity and sanitary condition of water in the district; and provide other utilities in the district if the utilities are not otherwise provided. Makes nonsubstantive changes.

SECTION 3. Amends Section 7208.005, Special District Local Laws Code, as follows:

Sec. 7208.005. DISTRICT TERRITORY. Provides that the boundaries of the district are coextensive with the boundaries of Parker County. Deletes existing Subsection (a) providing that the district is composed of the territory described by Section 1.04 (Boundaries), Chapter 1273, Acts of the 75th Legislature, Regular Session, 1997, as that territory may have been modified under certain statutes. Deletes existing Subsection (b) providing that the boundaries and field notes of the district form a closure, and that a mistake in the field notes or in copying the field notes in the legislative process does not

affect the district's organization, existence, or validity, or the legality or operation of the district or its board of directors (board).

SECTION 4. Amends Section 7208.116, Special District Local Laws Code, as follows:

Sec. 7208.116. New heading: CUSTOMER ADVISORY COUNCILS. (a) Authorizes the board, for each operating unit, to establish a customer advisory council that consists of one representative of each wholesale customer or retail unit of the district. Makes a nonsubstantive change.

(b) Authorizes the board, for each retail unit, to establish a customer advisory council that consists of five members appointed by the retail customers of the unit in accordance with the laws applicable to and rules of the district. Requires an advisory council member to reside in the service area of the retail unit.

(c) Redesignates existing Subsection (b) as Subsection (c). Provides that a representative serving on a, rather than the, customer advisory council has the powers and duties provided in the bylaws and rules of the district, and is prohibited from voting on any matter considered by the board.

(d) Redesignates existing Subsection (c) as Subsection (d). Authorizes the board to abolish a, rather than the, customer advisory council.

SECTION 5. Amends Section 7208.154, Special District Local Laws Code, as follows:

Sec. 7208.154. GENERAL WASTE AND WATER POWERS. Authorizes the district to provide for the collection, construction, improvement, maintenance, and operation of wholesale or retail wastewater and water systems and treatment works necessary to provide wholesale or retail service to customers, among other powers.

SECTION 6. Amends the heading to Section 7208.157, Special District Local Laws Code, to read as follows:

Sec. 7208.157. CONTRACTS WITH DISTRICT FOR WATER, WASTEWATER, AND OTHER UTILITY SERVICES.

SECTION 7. Amends Sections 7208.157(a), (b), and (c), Special District Local Laws Code, as follows:

(a) Provides that this chapter, except as provided by Subsection (b), does not require a customer or prospective customer of the district to secure water, wastewater, or other utility service from the district unless the customer or prospective customer contracts with the district for that purpose.

(b) Makes a conforming and a nonsubstantive change.

(c) Makes a conforming and a nonsubstantive change.

SECTION 8. Amends Section 7208.201, Special District Local Laws Code, as follows:

Sec. 7208.201. AUDITS. Requires that all funds and accounts of the district be audited annually by an independent auditor.

SECTION 9. Provides that all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 10. Effective date: upon passage or September 1, 2009.